

APPROVED: Meeting No. 39-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 18-87

April 20, 1987

The Mayor and Council of Rockville, Maryland, convened in work session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 20, 1987, at 7:30 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: Acting City Manager Don Vandrey and City Clerk Carol Kachadoorian.

Re: Worksession: Science and  
Technology Commission

Chairman and members of the Science and Technology Commission were present to discuss the following with the Mayor and Council:

1. Review of work of the Commission to date

- A. Air pollution problems at Holladay-Tyler Printing Company
- B. HIRT (Hazardous Incident Response Team)

2. Identification of future issues for the Commission

- A. Current and future water treatment analysis at the City Water Treatment Plant
- B. Radon gas issue

3. Discussion of liaison between the Mayor and Council and the Commission

4. Discussion

It was agreed that members of the Science and Technology Commission will prepare an article on the radon gas issue to be included in the City Newsletter, Rockville Reports. In addition, with respect to providing a liaison between the Mayor and Council and the Commission, Douglas Duncan offered to serve this function.

Re: Adjournment

There being no further business to come before the Mayor and Council in work session, the meeting was adjourned to convene immediately in general session.

Re: General Session

The Mayor and Council convened in general session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 20, 1987, at 8:15 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Doug Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: Acting City Manager Don Vandrey, City Clerk Carol A. Kachadoorian, and City Attorney Paul Glasgow.

Re: Invocation

The invocation was provided by Brigitta Mullican.

Re: City Manager's Report

Acting City Manager Don Vandrey reported the following:

1. The City Manager Richard Robinson ran in the Boston marathon today. We have not yet heard what his time was in the marathon, but we are assuming he did not win as it was not announced on the news this evening.

2. The Director of Recreation and Parks Greg Bayor reports that an estimated 1,500 children participated in the City's annual Easter Egg Hunt on Sunday. The event was held at both Civic Center Park and Welsh Park.

3. The fourth annual Student Government Days will convene at Rockville City Hall this Thursday, April 23, 1987, at 8:30 a.m. Eighteen students, six each from Rockville, Richard Montgomery, and Wootton High Schools will participate. Students will select from a list of issues prepared by staff for investigation and recommend action. The Student Government Day participants will report to the Mayor and Council on May 11.

4. The annual Rockville Youth Employment Program will be held again this year from June 22 through August 14. Plans call for 75 youths to be hired to work in various City departments. The salary will be \$3.35 per hour with a maximum of 30 hours per week. Registration for the program will be held on Wednesday, May 6, from 4:00 p.m. to 6:00 p.m. at the Civic Center Social Hall.

5. The opening ceremonies for the Rockville Baseball Association season will be held this Saturday, starting at 10:00 a.m. at Dogwood Park. Members of the Mayor and Council have been invited to attend.

6. I am pleased tonight to introduce to you the newest face around City Hall, a face you will all get to know very well in the weeks and months ahead. Rick Kuckkahn assumed the position of Director of Planning today. Rick comes to Rockville from New Berlin, Wisconsin, where he served as Planning Director for nine years. Rick is a fellow Badger, having received his Bachelor's Degree from the University of Wisconsin-Madison, and Master's Degree in Urban Affairs from the University of Wisconsin-Milwaukee.

7. There is no live cable coverage of tonight's meeting as the system is not working properly for broadcast. The meeting is being taped, however, for re-broadcast at the regular times.

Councilman Abrams asked about recent allegations regarding the City's request for proposals for a new pension plan. Acting City Manager Don Vandrey noted that the Finance Director, Mary Parker, is present this evening and will read a prepared statement and then respond to questions.

Ms. Parker's statement read as follows: I am deeply concerned by statements and purported quotations that have appeared in local newspapers concerning Mayor Van Grack's involvement in the pension plan request-for-proposals process. And I am dismayed that these statements have been inaccurately attributed to me.

I have never stated, implied, or believed that the Mayor was "yielding to pressure" to further anyone's financial gain or was otherwise acting inappropriately with respect to the request-for-proposals process.

Mr. Johnson's memorandum contains comments and characterizations which are in his own words -- not mine. Attempts to "confirm" those comments by linking them to my memorandum ignore that essential fact.

The facts concerning the Mayor's role are very much different than the impression one might get by focusing on the passing reference to this matter outside the context of Mr. Johnson's seven-page memorandum. Documentary evidence of the facts upon which I briefed Mr. Johnson has been turned over to you and to Mayor Van Grack. That evidence confirms your comments, those of Mayor Van Grack, and my recollection.

The Mayor never contacted me, either orally or in writing, regarding the request-for-proposals process, or any other aspect of pension plan administration.

Neither can my previous "no comment" to the press be interpreted as agreement with Mr. Johnson's characterizations. I believed that inasmuch as you

had accurately responded to newspaper reporters' inquiries regarding this matter, any further comment on my part would have been inappropriate.

I believe that, given the information and evidence that I've presented to you and to Mayor Van Grack, this issue can be laid to rest in favor of more urgent tasks before us.

In response to a question from Councilman Abrams, Mary Parker confirmed that the decision to go forward with the request for proposal was not influenced in any way by Mayor Van Grack or by the firm American Investment Managers. In addition, Mary Parker explained to the members of the Mayor and Council how the City's request-for-proposal process works particularly with respect to those firms that receive a copy of the RFP document.

Councilman Abrams stated that it is important to take the time to have this discussion so that the process and procedures for issuing and awarding a request-for-proposal are made known and what the facts are. He suggested that the item also be discussed under new business so that any other steps that need to be taken can be determined at that time.

Councilman Coyle commended Mary Parker for her reputation with the City and within the financial profession. He did ask, however, if the letter from Mr. Lamb of American Investment Managers was used in preparing our request-for-proposal. Mary Parker responded that the information was used in preparing the RFP in that the RFP document was modeled on proposals done by other cities and that this is not an uncommon practice.

Mayor Van Grack read into the record his memorandum to the City Manager of January 20, 1987, that referred the initial letter from Mr. Lamb of American Investment Managers to the City Manager.

## Re: Mayor's Report

Mayor Van Grack reported the following:

1. The Governor will be visiting the City of Rockville on May 5, 1997. He will be accompanied by the Lt. Governor, the Secretary of Economic and Community Development, the Secretary of Transportation, the Director of the Governor's Program Office, and the Executive Assistant to the Program Office. Mayor Van Grack stated that he is pleased to see that such a high level group will coming to the City of Rockville. Arrangements for the day include a breakfast with the Governor in which residents will paint a portrait of the City for Governor Schaefer. Following the breakfast, the Governor will take Metro from the Twinbrook Metro Rail Station to the Rockville Town Center Metro Rail Station and be accompanied on a walking tour of the Town Center area. Finally, there will be a round table discussion in City Council Chambers to provide input from community leaders on development possibilities for the Town Center area.

2. The Mayor and Council met on April 15, 1987, at 7:00 a.m. to continue its discussion of police services in the City. The Mayor and Council completed its review and summary of desired police services in the City. A meeting with the County Executive, County Council, and Chief of Police from Montgomery County is scheduled for April 30, 1987, to see what arrangements can be made for the provision of desired police services in the City.

3. The Mayor has received a letter from ABC News Correspondent, Sam Donaldson, suggesting that the Mayor follow up on his inclination to run for president.

Re: Proclamation: April as  
Fair Housing Month

On a motion from Councilman Duncan, duly seconded, the proclamation was passed unanimously. Carole Cohen, Chairman of the Rockville Housing Authority was present and received the proclamation.

Re: Presentation - Sister City Corporation, Honorary membership certificates to Mayor Van Grack and to former mayors William Hanna, Viola Hovsepian, and John Freeland.

Brigitta Mullican was present to provide the certificates to Mayor Van Grack and former mayors Hanna, Hovsepian, and Freeland.

Re: Appointments

The Mayor, with the confirmation of the Council, made the following appointments:

Economic Development Commission - Craig Falk - appointed - 1-year term as chairman

Historic District Commission - William Neudorfer - appointed - 3-year term

Science and Technology Commission - Gerald Poje - appointed - 3-year term

Ad Hoc Committee on Senior Housing - Silvio Imas - appointed - 1-year term as chairman

Re: Citizens' Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Carole Cohen, Chairperson of Rockville Housing Authority, advised the Mayor and Council that she has had a chance to review the staff report on the Section 8/Voucher Program. She stated the entire RHA Commission and Executive Director will be present this evening to answer any questions on the program that the Mayor and Council have. She stated that the Rockville Housing Authority can do one thing that the Montgomery County Housing Opportunity Commission cannot do and that is to place City residents at a higher priority for providing for housing needs over Montgomery County residents who do not live in the City. HOC cannot make the distinction between Rockville residents and Montgomery County residents who do not live in the City.

Councilman Abrams asked how City residents fair at HOC with respect to all other applicants. Sandra Crewe, Executive Director of RHA, stated that of the 191 HOC units within the City 19 are voucher units. It was the concensus of the Mayor and Council at this point to discuss this item at its appropriate place on the evening's agenda.

2. Lisa Taylor, 303 Lindmanor Drive, representing the Town Center Homeowners Association, spoke to the Mayor and Council regarding the entrance onto Monroe Street from their townhouse development. She asked that the sign indicating "no parking here to corner" be set back five additional feet so that those persons leaving the townhouse development will have better visibility. In addition, she asked that a crosswalk be marked on Maryland Avenue to provide pedestrian access to City Hall.

3. Dickran Hoveseopian, 2 Tweed Court, noted that Rockville was the second community in the state to provide public housing. Baltimore was the first community.

Re: Distribution of the  
Rockville Pike Plan

Dick Arkin, Chairman of the Planning Commission, distributed the proposed Rockville Pike Plan to members of the Mayor and Council. In doing so, he noted that 1987 marks the 30th anniversary year of the Planning Commission. He stated 600 copies of the Rockville Pike Plan have been printed and are available at the Information Desk and that a public hearing on the document is scheduled for June 24, 1987. Copies of the report will be made available to the Rockville Pike Advisory Task Group, a list of interested persons, all civic associations, and all Boards and Commissions.



Councilman Duncan asked if it is possible that a work session between the Mayor and Council and the Planning Commission be set during the 60-day period of the review of the plan. City Attorney Paul Glasgow advised the Mayor and Council that there are no legal restrictions to holding such a work session. Mayor Van Grack stated that he is pleased to accept the Planning Commissions recommended plan, and he thanked the members of the Planning Commission and City staff for their work. He stated that his run down Rockville Pike demonstrated how bad things are there and believes that the proposed plan provides for needed improvements to the Pike.

Re: Adoption of Resolution to  
approve Residential  
Townhouse application RTH-  
8-86, EBH Enterprises,  
Applicant (Martins Lane)

Resolution No. 8-87

On a motion from Councilman Abrams, duly seconded and unanimously passed, Resolution No. 8-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, to approve residential townhouse application for EBH Enterprises was adopted by the Mayor and Council.

Mayor Van Grack, noting a question from a member of the College Square Condominium Association regarding parking problems at College Square, asked what the parking requirements are for the RTH-8-86 development. Larry Owens responded that the parking requirements for a residential townhouse development are higher than that at College Square and that staff is working with the developer to provide parking in addition to that which is required. There are 2.25 parking spaces required for each townhouse unit.

Re: Discussion: Section  
8/Voucher Program for the  
Rockville Housing  
Authority

Mike Gewirtz, a member of the Housing Authority Commission, explained the objectives of the voucher program and how the RHA Program can help City residents. He stated that making a decision on this issue is really deciding the future of RHA in that voucher programs are "the way to go". Councilman Hartogensis referred to Ed Duffy's memorandum on the program in which it was noted that the County's Housing Opportunities Commission already administers a voucher program. Councilman Hartogensis stated his preference for avoiding confusion among residents as to where to go for obtaining vouchers. In addition, Councilman Hartogensis asked if the vouchers were provided to the tenant or to the rental property. Mr. Gewirtz responded that information he has from Sandra Crewe is that the vouchers are a contract with a rental property not with a tenant.

In response to a question from Councilman Abrams, Sandra Crewe noted that there is a 15% ceiling on vouchers that can be given for housing outside the City of Rockville. Roy Appletree, Assistant Director of the Housing Opportunities Commission, provided information to the Mayor and Council on the number of vouchers and certificates that HOC currently has. He noted that of the 2,266 vouchers and certificates, 306 are vouchers of which 178 are currently allocated. Of the total number of vouchers and certificates, 190 are in use in the City of Rockville. However, Mr. Appletree did not have a breakdown of the number of certificates and vouchers of this total number.

Councilman Coyle asked Mr. Appletree his opinion about the Rockville Housing Authority getting involved in the voucher program. In response, Mr. Appletree stated that RHA is capable of doing an excellent job with the program and that the Housing Authority would have the cooperation of HOC if the program is approved by the Mayor and Council. Noting that RHA is requesting approval for

50 vouchers, Councilman Coyle asked if the vouchers would be lost for City residents if the RHA proposal is not approved. Mr. Appletree responded that HOC would be able to get the 50 if RHA did not use them given that the voucher program is being promoted at the federal level. He noted that the administrative dollars received for the voucher program is used by HOC to supplement other costs on the order of 50% excess revenue over costs.

Councilman Coyle expressed his concern that a voucher program will artificially inflate the cost of rents for tenants. However, Mr. Appletree noted that this has not been the case. In addition, he advised the Mayor and Council that generally those receiving vouchers are spending more than 30% of their income on rent. In response to a question from Councilman Abrams regarding the availability of money received for administrative costs for the program over what actual administrative costs will be, Sandra Crewe stated that RHA would not expect to need additional staff to administer the voucher program. Thus, the additional revenue that can be used for other costs of the authority is nearly 100% of that received for administering the voucher program.

Councilman Hartogensis asked if RHA would give preference to City residents for the vouchers, and Sandra Crewe responded that preference would be given to those who live, work, or have a firm job offer in the City of Rockville. She stated that RHA has a history of working with HOC on providing housing for those in need. Councilman Coyle noted that the voucher program seems to be a way for the City to do more for the Housing Authority in the area of affordable housing.

Councilman Abrams suggested approval of the program based on two conditions. First, that a memorandum of understanding be executed with the Housing Opportunities Commission, and second, that HOC, RHA, and the Department of Housing and Urban Development establish agreement on unlimited portability for

the vouchers. Councilman Duncan expressed his concern that if the program is not approved the opportunity to provide vouchers for City residents will be lost. Further, he stated that he does not see a duplication with RHA and HOC offering vouchers.

Councilman Abrams asked if it will be possible to review the program after one year's experience. Sandra Crewe noted that should the program be approved there is a five-year annual contributions contract that is executed with HUD. However, she will receive legal advice to see about a one-year review.

Mayor Van Grack asked for comments from Ed Duffy from the City's Department of Community Development. Mr. Duffy stressed the need for simplicity in the voucher program and for avoiding the potential for confusion. He stated that his belief that RHA will need additional staff to administer the program citing this as a reason why HUD has instituted a 50 voucher limit. In addition, he noted that the net revenue generator facet of the voucher program is a primary reason why housing authorities apply for vouchers from HUD.

On a motion from Councilman Abrams, duly seconded, the Mayor and Council unanimously approved a Section 8/Voucher Program for up to 50 vouchers for the Rockville Housing Authority. Ed Duffy noted that a resolution altering the Mayor and Council's decision to have only the Housing Opportunities Commission administer Section 8 monies would be placed on the agenda at the next meeting for approval by the Mayor and Council.

Re: Approval of Minutes

At the request of Councilman Abrams, approval of the minutes were deferred until the next meeting.

## Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Letter from Mark J. Wetterhahn regarding the resumption of cable TV construction in the area.
2. Letters from Mr. and Mrs. Garry Mayer complimenting the program and employees of K.A.T.
3. Letter from Montgomery County Historical Society, Inc., regarding the celebration of the Bicentennial of the U.S. Constitution.

## Re: For Your Information

The Mayor and Council noted the following items of information:

1. Memorandum opinion and order by Judge William C. Miller in regards to A.T. Sintetos, Jr. vs. The Mayor and Council of Rockville.
2. Referring to information provided in the City Manager's Various Items memo from April 17, 1987, Councilman Hartogensis asked that a Capital Improvements Program item be prepared by staff to include \$400,000 for the construction of sidewalks adjacent to schools. Both Mayor Van Grack and Councilman Abrams expressed their support for this item.
3. Councilman Coyle made reference to a letter he has received regarding the K.A.T. program at Lakewood and the staff memorandum regarding the K.A.T. program at Fallsmead. Greg Bayor, Director of Department of Recreation and Parks, advised the Mayor and Council that an additional classroom has been obtained at Fallsmead Elementary School so that an additional K.A.T. class can be established there.

## Re: Other Business

1. At the request of the City Manager, Councilman Abrams moved for approval of permission to withdraw Bid No. 56-87 awarding a contract to Tito Contractors, Inc., for Right-of-Way and Building Parcels. The motion was duly seconded and unanimously passed.

2. Councilman Abrams asked if Mary Parker's memorandum on the request-for-proposal for the City's pension plan is available for the public. Acting City Manager Don Vandrey stated that it has been provided to the press and is available for anyone who would like a copy. Councilman Hartogensis expressed his view that there is no further time on the part of the Mayor and Council needed on this subject and that it really has been "much ado about nothing".

Councilman Abrams stated he shares Councilman Hartogensis' view. It is his belief that there has been no impropriety, and he is saddened by the play given to this issue prior to the Mayor and Council having an opportunity to discuss it.

Re: Worksession: Voluntary  
Rent Guideline Program

On a motion from Councilman Coyle, duly seconded, the Mayor closed the meeting at 10:03 p.m. to convene in worksession on the Voluntary Rent Guideline Program.

Re: Adjournment

There being no further business to come before the Mayor and Council in worksession, the meeting was adjourned at 10:30 p.m. to convene again on Monday, April 27, 1987, at 6:30 p.m. or at the call of the Mayor.